

REMARKS

Claims 1, 8-10 and 24 were rejected under 35 U.S.C. § 102(e) as being anticipated by *Ortel et al.* (U.S. Pat. Pub. No. 2004/0091086), hereinafter *Ortel*. Claims 28-29 were rejected under 35 U.S.C. 102(e) as being anticipated by *Ortel* in view of *Jenniges et al.* (U.S. Pat. Pub. No. 2004/0203766), hereinafter *Jenniges*. Claims 4-7, 21 and 26-27 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Ortel* in view of *Lerner et al.* (U.S. Pat. No. 6,192,395), hereinafter *Lerner*. Claims 22-23 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Ortel* in view of *Lerner* and further in view of *Blattner et al.* (U.S. Pat. Pub. No. 2004/0221224), hereinafter *Blatner*¹

By this amendment claims 1 and 10 have been amended to include the subject matter of claim 12, which the Examiner indicated was allowable. Accordingly, claims 1, 4-10, 12 and 15-29 are pending, of which claims 1, 10 and 12 are the only independent claims at issue. Thus, claim 1 is a method reciting the allowable subject matter of claim 12, claim 10 is a computer program product claim with the allowable subject matter of claim 12, and claim 12 is a system claim.

In view of the foregoing, Applicant respectfully submits that the other rejections to the claims are now moot and do not, therefore, need to be addressed individually at this time. It will be appreciated, however, that this should not be construed as Applicant acquiescing to any of the purported teachings or assertions made in the last action regarding the cited art or the pending application, including any official notice. Instead, Applicant reserves the right to challenge any of the purported teachings or assertions made in the last action at any appropriate time in the future, should the need arise. Furthermore, to the extent that the Examiner has relied on any Official Notice, explicitly or implicitly, Applicant specifically requests that the Examiner provide references supporting the teachings officially noticed, as well as the required motivation or suggestion to combine the relied upon notice with the other art of record.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney at (801) 533-9800.

¹ Although the prior art status of the cited art is not being challenged at this time, Applicant reserves the right to challenge the prior art status at any appropriate time, should it arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.

Dated this 7th day of October, 2008.

Respectfully submitted,

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